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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,123	02/09/2001	Bryan E. Aupperle	RSW9-2000-0140-US1	1676

7590 10/01/2003

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/781,123

Applicant(s)
Aupperle

Examiner
Steven McAllister

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3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The application as understood by the examiner provides the following embodiments of the invention:

1. The method as shown in Figure 2 in which the buyer provides buyer-related digital certificate information to the EPI vendor and verification-related digital certificate information is provided to the buyer by printing it on the EPI at purchase and wherein the buyer later presents the EPI and his smart card so that the verification-related digital certificate information on the EPI and the purchaser-related digital certificate data on smart card can be correlated to provide the buyer the rights afforded by the EPI.

2. The method as shown in Figure 3 in which the buyer provides buyer-related digital certificate information to the EPI vendor but does not receive verification-related digital certificate information at the time of purchase. Later the buyer presents his smart card so that the verification-related digital certificate information maintained remotely by the vendor and the

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purchaser-related digital certificate data on smart card can be correlated to provide the buyer the rights afforded by the EPI.

3. A method non-specifically shown in any figure, but described on page 12, line 15 through page 13, line 5. In this embodiment, the buyer provides buyer-related digital certificate information to the EPI vendor and verification-related digital certificate information is provided to the buyer by printing it on verification document at purchase and wherein the buyer later presents the verification document and his smart card so that the verification-related digital certificate information on the verification document and the purchaser-related digital certificate data on smart card can be correlated in order that the buyer may receive the EPI.

The claims as understood by the examiner appear to be a combination of the embodiments, but read on no single embodiment. For instance, it appears that claims 1 and 13 cannot be the first embodiment because the purchaser is required to provide the verification-related digital certificate information before he can receive the EPI, but since that information is printed on the EPI it is impossible for the buyer to do so. It appears that they cannot be the second embodiment because in that embodiment the buyer provides the purchaser-related data to get the EPI, not the verification-related information. As to the third embodiment, while the buyer does provide the verification-related information to receive the item, it is compared with the purchaser related information, not with EPI as recited in claims 1 and 13. As to claim 12, it appears that the method of that claim essentially compares the verification-related data with itself, since the indicia to which it is being compared represents that data as well.

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Due to apparent discrepancies with all of the method disclosed in the specification, the claimed subject matter was not described in the specification in a way that would convey to one of ordinary skill in the art that applicant had possession of the claimed invention at the time of the application.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.


Steven B. McAllister

September 30, 2003